

**SOUTH DAKOTA DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS**

**HURON CENTER FOR INDEPENDENCE
Continuous Improvement Monitoring Process Report 2004**

SEP Reviewer: Ann Larsen, Special Education Programs

Dates of On Site Visit: January 27-28th, 2004

Date of Report: February 9, 2004

This report contains the results of the self-assessment and the validation of the self-assessment by Special Education Programs. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The agency consistently meets this requirement.
Needs Improvement	The agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
Out of Compliance	The agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
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General supervision means the agency's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the agency, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Meets requirements

The reviewer identified the agency does not conduct child find activities. The agency becomes involved in the provision of services upon contact from local school districts. The agency has an effective pre-referral system as noted in the agency policy manual. There are no agency students enrolled in private schools. The agency suspension and expulsion policies meet state and federal regulation. The agency has employed fully certified personnel for special education positions.

In Need of Improvement

The goals and objectives for students are not specifically aligned with the South Dakota content standards/ functional standards. Goals and objectives are based on functional assessment and relate to student transition life planning outcomes. Many can relate to functional standards such as learning how to use a checkbook or follow cooking directions by using correct measuring of ingredients. In interview, case managers indicated that students who are taking the STAARS alternate assessment do have functional standards that the agency does incorporate into their annual plan.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Meets requirements

A review of student files indicates students are provided services in accordance with their IEP/IHP. The agency keeps detailed documentation of services. Related services addressed in student individual education programs are provided. Progress is shared with parents at least quarterly. The agency comprehensive plan addresses procedures for students who may be suspended or expelled, including the provision of a free appropriate education. The agency has not suspended or expelled a student for more than 10 school days.

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Meets requirements

The agency conducts comprehensive assessments annually for all individuals at the Huron Center for Independence. The evaluations consist of all areas addressed through the agency, such as nutrition, medical, social, and community involvement. Baseline data is collected and shared at the annual IEP/IHP meeting, which comprises the required functional assessment for students. This data is utilized in the development of the IEP/IHP.

Out of Compliance

24:05:25:04.02. Determination of needed evaluation data. As part of an initial evaluation, if appropriate, the individual education program team required by § 24:05:27:01.01 and other individuals

with knowledge and skills necessary to interpret evaluation data, determine whether the child has a disability, and determine whether the child needs special education and related services as appropriate, shall:

- (1) Review existing evaluation data on the child, including:
 - (a) Evaluations and information provided by the parents of the child;
 - (b) Current classroom-based assessments and observations; and
 - (c) Observations by teachers and related services providers; and
- (2) Based on the above review and input from the student's parents, identify what additional data, if any, are needed to determine:
 - (a) Whether the student has a particular category of disability as described in this article;
 - (b) The present levels of performance and educational needs of the student; and
 - (c) Whether the student needs special education and related services

Huron Center for Independence conducts three-year reevaluations for students in need of special education. Evaluations are conducted, and a meeting is held to discuss the results. Prior notice with parent input is not consistently used. Parents are not notified on the prior notice of what evaluations will be done, nor is it documented that they are given the opportunity to provide input into the evaluation process.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The agency makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Meets requirements

The agency has procedures within the comprehensive plan which meet the requirements of surrogate parent appointments. The agency comprehensive plan has policies and procedures for responding to complaint and due process hearings.

Out of compliance

24:05:30:05. Content of notice. The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the district considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, test, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

24:05:30:04. Prior notice and parent consent. Written notice which meets the requirements of § 24:05:30:05 must be given to the parents five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parents. If the notice described in this section relates to an action proposed by the district that also requires parental consent, the district may give notice at the same time it requests parent consent.

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

- (1) Reviewing existing data as part of an evaluation or reevaluation; or
- (2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

A district may not use a parent's refusal to consent to one service or activity under this article to deny the parent or child any other service, benefit, or activity of the district except as required by this chapter.

If a parent refuses to give consent for the child to be evaluated or reevaluated, the district may use the hearing or mediation procedures in this article to determine whether the child may be evaluated without parental consent.

If the hearing officer upholds the district, the district may evaluate or reevaluate the child without parental consent, subject to the parent's right to appeal the decision to the courts.

24:05:25:03. Preplacement evaluation. Before any action is taken concerning the initial placement of a child with disabilities in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the requirements of this chapter. **Evaluations must be completed within 25 school days after receipt by the district of signed parent consent to evaluate unless other timelines are agreed to by the school administration and the parents.** Consent for initial evaluation may not be construed as consent for initial placement.

24:05:30:06.01. Procedural safeguards notice -- Availability. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, at a minimum:

- (1) Upon initial referral for evaluation;
- (2) Upon each notification of an individualized education program meeting;
- (3) Upon reevaluation of the child; and
- (4) Upon receipt of a request for a due process hearing under this chapter.

Through a review of student files and interviews with staff, the reviewer found the agency does not provide a complete prior notice to parents/adult students when initiating evaluations and meetings. A prior notice was found, but not with all the required content and it was not consistently used. The notice does serve to alert parents to the activity, but it does not address all the requirements of giving appropriate prior notice. Evaluations must be completed within 25 school days unless other timelines are agreed upon by the agency and the parents. In addition, the agency does not provide parents with a copy of procedural safeguards at the time notice is given.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Meets requirements

The IEP team requirements are being met in a satisfactory manner. The agency invites the appropriate members, soliciting the involvement of the district responsible for the student placed at Huron Center for Independence. Contacts are made with the parents to secure their involvement as well.

Transition plans are developed as a coordinated set of activities based on the transition needs of the student. Vocational, living, health and safety evaluations are conducted and IEP/IHP plans address student needs, interests and abilities.

In Need of Improvement

Administrative rule requires the present level of performance in the IEP to address how the student's disability affects their progress in the general curriculum. IEP/IHPs seen at Huron Center for Independence did not consistently have a specific correlation to the state standards, upon which general curriculum must be based. Schools work with the agency to come up with functional objectives when the students are taking the STAARS alternate assessment and agency staff carryout the planning form objectives and documentation.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Meets requirements

Through file reviews and in interview, the reviewer noted that documentation for justification for placement did address why the team determined the placement was the least restrictive environment. The team provided written descriptions of the options considered and the reasons why those options were rejected for each placement alternative considered for the student. Statements seen reflected the placement at Huron Center for Independence was the best placement for the student. The IEP/IHPs reviewed did address LRE related issues.

In visiting with several persons who attend Huron Center for Independence, they remarked they had plans to attend upcoming Valentine activities, as well as noting places they enjoyed visiting and other activities they pursued, such going out for pizza and attending movies. In three files reviewed, all students were noted as enjoying time spent with church group activities as well as community groups. All IEP/IHPs addressed participation with non-disabled peers as part of the annual review.

